



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*Attended  
8/16  
3/23/04  
Am*  
Application Serial No. .... 10/050,348

Confirmation No. .... 7554

Filing Date ..... January 15, 2002

Inventor..... G. S. Sandhu

Assignee..... Micron Technology, Inc.

Group Art Unit..... 2813

Examiner ..... L. M. Schillinger

Attorney's Docket No. .... MI22-1898

Customer No. .... 021567

Title: Transistor Structures

**PETITION TO THE COMMISSIONER UNDER THE AUTHORITY OF 37 C.F.R. §1.181**  
**RECEIVED**

To: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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PROGRAMS EXAMINER

From: David G. Latwesen, Ph.D. (Tel. 509-624-4276; Fax 509-838-3424)  
Wells St. John P.S.  
601 W. First Avenue, Suite 1300  
Spokane, WA 99201-3828

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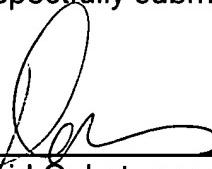
Applicant hereby petitions the Commissioner to withdraw a holding of abandonment pertaining to U.S. Patent Application Serial No. 10/050,348. Submitted herewith is a "Notice of Abandonment" mailed by the Patent Office on August 4, 2003 pertaining U.S. Patent Application Serial No. 10/050,348. Also submitted herewith is a transmittal for a Request for Continued Examination (RCE) filed by Applicant on May 7, 2003; a Preliminary Amendment that accompanied the Transmittal; a copy of a canceled check that accompanied the RCE filing; a copy of a date-stamped return receipt postcard listing our Docket Number of MI22-1898 and evidencing that the RCE was filed on May 7, 2003; a copy of an "Express Mail" mailing label evidencing that the RCE was filed on May 7, 2003;

and a copy of a "Notice of Allowance and Issue Fee Due" mailed by the Patent Office on February 11, 2003.

The Patent Office has erroneously held that Patent Application Serial No. 10/050,348 went abandoned due to Applicant's failure to respond to the accompanying "Notice of Allowance and Issue Fee Due" with payment of an issue fee by May 11, 2003, and has sent the accompanying "Notice of Abandonment". The error in the Patent Office's holding of abandonment is evidenced by the accompanying RCE Preliminary amendment, transmittal letter, return receipt postcard, Express Mail mailing label, and canceled check; all of which evidence that Applicant's RCE was properly filed on May 7, 2003. Such RCE filing rendered moot the "Notice of Allowance and Issue Fee Due," and negated any requirement that Applicant pay the issue fee by May 11, 2003. Applicant respectfully requests that the Patent Office correct its error by withdrawing the holding of abandonment pertaining to U.S. Application Serial No. 10/050,348.

Applicant believes that no fees are due to have this Petition considered and granted. In the event that the Examiner disagrees, Applicant requests a telephone call to the undersigned (509-624-4276).

Respectfully submitted,

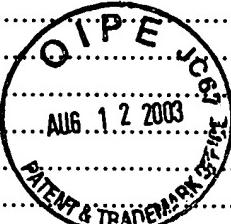
By:   
\_\_\_\_\_  
David G. Latwesen, Ph.D.  
Reg. No. 38,533

Dated: August 12, 2003

Encl. *Copy of Notice of Abandonment*  
*Copy of RCE Transmittal Form*  
*Copy of RCE Preliminary amendment*  
*Copy of Notice of Allowance and Issue Fee Due*  
*Copy of canceled check*  
*Copy of return receipt postcard;*  
*Copy of Express Mail mailing label*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application Serial No. .... 10/050,348  
 Filing Date ..... January 15, 2002  
 Inventor..... Gurtej S. Sandhu et al.  
 Assignee..... Micron Technology, Inc.  
 Group Art Unit..... 2813  
 Examiner ..... Schillinger, Laura M.  
 Attorney's Docket No. .... MI22-1898  
 Title: Transistor Structures

**PRELIMINARY AMENDMENT TO ACCOMPANY RCE FILING**

To: MAIL STOP RCE  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

From: David G. Latwesen (Tel. 509-624-4276; Fax 509-838-3424)  
 Wells St. John P.S.  
 601 W. First Avenue, Suite 1300  
 Spokane, WA 99201-3828

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**AMENDMENTS****Amended Claims**

None.

REMARKS

Claims 41-43 remain pending in the application.

This Request for Continued Examination (RCE) application is submitted in an abundance of caution simply to place references before the Examiner for consideration. The references are referred to in the Information Disclosure Statement presented herewith.

Also enclosed is a copy of two Supplemental Information Disclosure Statements and PTO-1449s which were filed on June 27, 2002 and December 5, 2002. Applicant has never received an initialed copy of either of these PTO-1449s, and respectfully requests the Examiner to initial these references and return a copy of these PTO-1449s with the Examiner's next Action.

Examination of claims 41-43 is requested.

Respectfully submitted,

Dated:

5/7/03

By:

  
\_\_\_\_\_  
David G. Latwesen, Ph.D.  
Reg. No. 38,533

Enclosure: Copy of 6/27/02 and 12/5/02 IDS' for initialing



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,348	01/15/2002	Gurtej S. Sandhu	MI22-1898	7554

21567 7590 08/04/2003  
WELLS ST. JOHN P.S.  
601 W. FIRST AVENUE, SUITE 1300  
SPOKANE, WA 99201



COPY

[REDACTED]  
EXAMINER  
SCHILLINGER, LAURA M

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2813  
DATE MAILED: 08/04/2003

P #15

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10/050,343			

EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

P H 15

DATE MAILED:

### NOTICE OF ABANDONMENT

This application is abandoned in view of:

- Applicant's failure to timely file a proper response to the Office letter mailed on \_\_\_\_\_.
- A response (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for response (including a total extension of time of \_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- A proposed response was received on \_\_\_\_\_, but it does not constitute a proper response to the final rejection.
- (A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).)
- No response has been received.
- Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- The issue fee (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_.
- The submitted issue fee of \$ \_\_\_\_\_ is insufficient. The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_.
- The issue fee has not been received.
- Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- Proposed new formal drawings (with a Certificate of Mailing or Transmission of \_\_\_\_\_) were received on \_\_\_\_\_.
- The proposed new formal drawings filed \_\_\_\_\_ are not acceptable.
- No proposed new formal drawings have been received.
- The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on \_\_\_\_\_.
- The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- The reason(s) below:

ABANDONMENT  
CONTACT PERSON IS:  
TOM HAWKINS  
305-8380

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**Respond to the Notice of Abandonment by one of the following:**

**Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I) and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181, to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f).

In order for a petition to be granted, the evidence must be sufficient according to one of the following standards:

- 37 CFR § 1.8(b) Certificate of Mailing
- 37 CFR § 1.10 "Express Mail" mailing
- MPEP 503 Postcard Receipt as Prima Facie Evidence

Petition To Withdraw Holding Of Abandonment should be addressed as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Mail Stop: Issue Fee, Alexandria, VA  
22313-1450

By facsimile: 703-305-8755 or 703-305-4372

**Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (See MPEP 711.03(c) II). No fee required**

Where an applicant contends that the original Notice of Allowance and Issue Fee Due was never received. If adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
(Mark attention of a particular office or individual)

By facsimile: Technology Center numbers posted at <http://www.uspto.gov/september1/faxnotice.htm>

**Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g. the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) unavoidable or (b) unintentionally (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

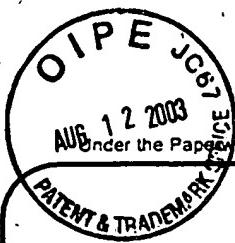
By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By hand: Crystal Plaza 4, Rm. 3C23, 2201 Clark Place, Arlington, VA

By facsimile: 703-308-6916

Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a) and Unintentionally Under 37 CFR 1.137(b), forms available at USPTO website – <http://www.uspto.gov>

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment.



**COPY**

EV085432070

Approved for use through 10/01/2000. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Application Number	10/050,348
Filing Date	January 15, 2002
First Named Inventor	Sandhu
Group Art Unit	2813
Examiner Name	L. Schillinger
Attorney Docket Number	MI22-1898

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

**1. Submission required under 37 C.F.R. § 1.114**

- a.  Previously submitted
  - i.  Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
  - ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
  - iii.  Other \_\_\_\_\_
- b.  Enclosed
  - i.  Amendment/Reply (Preliminary, to accompany RCE)
  - ii.  Affidavit(s)/Declaration(s)
  - iii.  Information Disclosure Statement (IDS) w/PTO-1449 and copy of cited references.
  - iv.  Other COPY of 6/27/02 and 12/5/02 IDS' for initialing of cites by Examiner.  
PTO Return Receipt Postcard.

**2. Miscellaneous**

- a.  Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b.  Other \_\_\_\_\_

**3. Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a.  The Director is hereby authorized to charge the following fees, or credit any overpayments to my Deposit Account No. 23-0925
  - i.  RCE fee required under 37 C.F.R. § 1.17(e) (deficiencies only)
  - ii.  Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) (deficiencies only)
  - iii.  Other \_\_\_\_\_
- b.  Check in the amount of \$ 750 enclosed (Chk. #138794)
- c.  Payment by credit card (Form PTO-2038 enclosed)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	David G. Latwesen, Ph.D.	Registration No. (Attorney/Agent)	38,533
Signature	<u>Latwesen</u>	Date	5/17/03

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)	EV085432070
Signature	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES and Completed Forms to the following address: Commissioner for Patents, Box RCE, Washington, DC 20231.

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A circular stamp with the word "OPIPE" at the top and "JC87" at the bottom. The date "AUG 12 2003" is stamped in the center. The outer border contains the words "PATENT & TRADEMARK OFFICE" repeated twice.

WA TRUST EXC-ADMIN

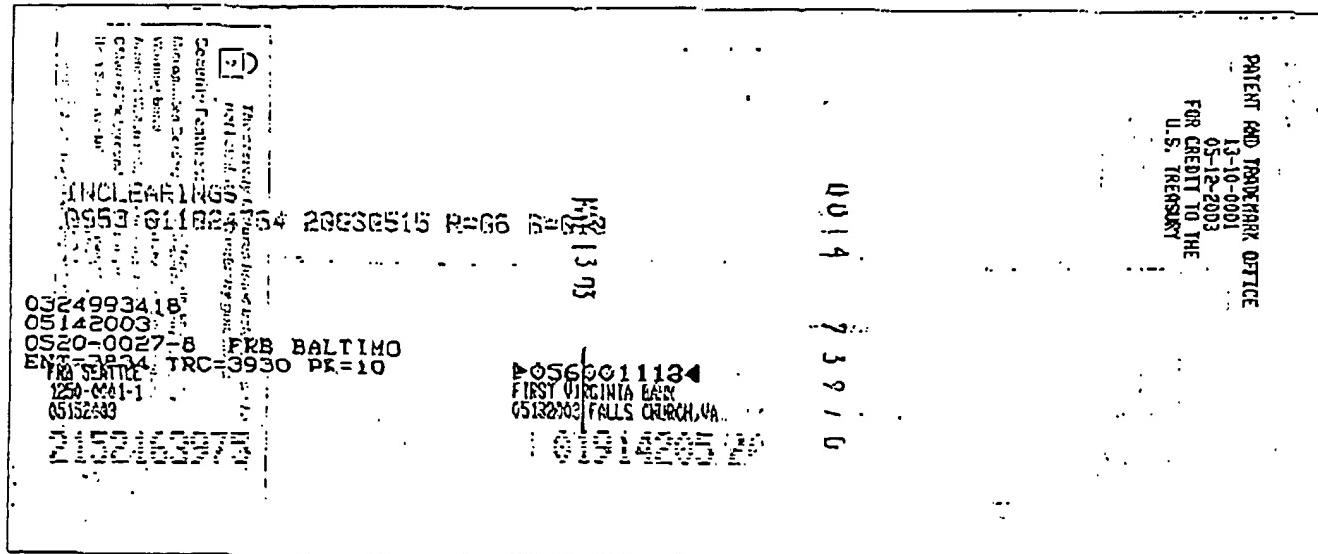
FAX NO. 5093533912

P. 02

Page 1

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TO THE ORDER OF	*** SEVEN HUNDRED FIFTY & 00/100 DOLLARS		
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AUTHORIZED SIGNATURE			
THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH ON DARK HEAT - RED IMAGE DISAPPEARS WITH HEAT.			
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**EV085432070**

MI22-1898 (dg)  
Micron Technology, Inc.

5/7/03

The stamp of the U.S. Patent and Trademark Office acknowledges receipt of the following papers relating to the RCE application of Gurtej S. Sandhu et al., Serial No. 10/052,348, filed herewith, entitled "Transistor Structures".

1. PTO Return Postcard Receipt.
2. Check #138794 for \$750.
3. RCE Transmittal Form (PTO/SB/30).
4. Fee Transmittal (PTO/SB/17) in duplicate.
5. Preliminary Amendment to Accompany RCE Filing.
6. ~~COPY~~ of each of 6/27/02 and 12/5/02 Supplemental IDS' for initialing by Examiner.
7. Information Disclosure Statement w/PTO-1449 and copy of cited references.





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No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials <b>SP</b>	Total Postage & Fees <b>S 37.30</b>	

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SPOKANE WA 99201-3828**

**MI22-1898/dg1-jo**

TO: (PLEASE PRINT)

PHONE **(** **)**

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Commissioner for Patents  
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Alexandria VA 22313-1450**

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION SERIAL NO ..... 10/050,348  
FILING DATE ..... January 15, 2002  
INVENTORSHIP ..... Gurtej S. Sandhu et al.  
ASSIGNEE ..... Micron Technology, Inc.  
GROUP ART UNIT ..... 2813  
EXAMINER ..... Schillinger, L.  
ATTORNEY'S DOCKET NO ..... MI22-1898  
TITLE: Transistor Structures

### EX POST DECLARATION OF EXPRESS MAILING

I hereby declare that I have deposited the below-listed papers with the United States Postal Service "Express Mail Post Office to Addressee" service, addressed and posted as indicated below, in compliance with 37 CFR 1.10. The Express Mail label No. has been placed on one or more of the papers listed.

Express Mail Number: **EV085432070**  
Date of Deposit: May 7, 2003 4:15 p.m.  
Time of Deposit:  
Deposited By:  Delivery to Postal Employee  
 Place in Drop Box

Addressee: MAIL STOP RCE  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**EV085432070US**

#### Place of Deposit:

U.S. Post Office (Paulsen Bldg. Br.)  
421 West Riverside, Room 201  
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Last Scheduled Drop Box Pickup: 4:40 p.m.

U.S. Post Office (DIST. CTR.)  
2928 S. Spotted Road  
Spokane, Washington 99202  
Last Scheduled Drop Box Pickup: 9:00 p.m.

U.S. Post Office (Riverside Station)  
904 West Riverside  
Spokane, Washington 99201  
Last Scheduled Drop Box Pickup: 5:00 p.m.

U.S. Post Office \_\_\_\_\_ Branch

Last Scheduled Drop Box Pickup: \_\_\_ a.m./p.m.

#### Listing Of Items Enclosed in Mailing:

1. PTO Return Postcard Receipt.
2. Check #138794 for \$750.
3. RCE Transmittal Form (PTO/SB/30).
4. Fee Transmittal (PTO/SB/17) in duplicate.
5. Preliminary Amendment to Accompany RCE Filing.
6. COPY of each of 6/27/02 and 12/5/02 Supplemental IDS' for initialing by Examiner.
7. Information Disclosure Statement w/PTO-1449 and copy of cited references.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statement may jeopardize the validity of the application or any patent issued therefrom.

Dated at Spokane, Washington this 7th day of May, 2003.

Trinity Coxon

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,348	01/15/2002	Gurtej S. Sandhu	MI22-1898	7554

021567 7590 02/11/2003

7 WELLS ST. JOHN ROBERTS GREGORY & MATKIN P.S.  
501 W. FIRST AVENUE  
SUITE 1300  
SPOKANE, WA 99201-3828



EXAMINER

SCHILLINGER, LAURA M

ART UNIT

PAPER NUMBER

2873

DATE MAILED: 02/11/2003

### Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The patent term adjustment to date is 0 days. If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the term adjustment will be 0 days.

If a continued prosecution application (CPA) was filed in the above-identified application, the filing date that determines patent term adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system. (<http://pair.uspto.gov>)

Any questions regarding the patent term extension or adjustment determination should be directed to the Office of Patent Legal Administration at (703)305-1383.

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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## NOTICE OF ALLOWANCE AND FEE(S) DUE

021567

02/11/2003

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SPOKANE, WA 99201-3828

EXAMINER

SCHILLINGER, LAURA M.

ART UNIT

CLASS-SUBCLASS

2813

257-411000

DATE MAILED: 02/11/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,348	01/15/2002	Gurtej S. Sandhu	MI22-1898	7554

TITLE OF INVENTION: TRANSISTOR STRUCTURES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1300	\$300	\$1600	05/12/2003

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

## HOW TO REPLY TO THIS NOTICE:

## I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
- B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
  - B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.
- Applicant claims SMALL ENTITY status.  
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail Box ISSUE FEE  
Commissioner for Patents  
Washington, D.C. 20231  
Fax (703)746-4000**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)  
021567 7590 02/11/2003

WELLS ST. JOHN ROBERTS GREGORY & MATKIN P.S.  
601 W. FIRST AVENUE  
SUITE 1300  
SPOKANE, WA 99201-3828



Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

**Certificate of Mailing or Transmission**  
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,348	01/15/2002	Gurtej S. Sandhu	MI22-1898	7554

TITLE OF INVENTION: TRANSISTOR STRUCTURES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1300	\$300	\$1600	05/12/2003

EXAMINER	ART UNIT	CLASS-SUBCLASS
SCHILLINGER, LAURA M	2813	257-411000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).	2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
<input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.	1 _____

**3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)**

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent)  individual  corporation or other private group entity  government

4a. The following fee(s) are enclosed:

4b. Payment of Fee(s):

Issue Fee  
 Publication Fee  
 Advance Order - # of Copies \_\_\_\_\_

A check in the amount of the fee(s) is enclosed.  
 Payment by credit card. Form PTO-2038 is attached.  
 The Commissioner is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)	(Date)
<p>NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.</p> <p>This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.</p> <p>Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.</p>	

TRANSMIT THIS FORM WITH FEE(S)

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Notice of Allowability	Application No.	Applicant(s)
	10/050,348	SANDHU ET AL.
	Examiner Laura M Schillinger	Art Unit 2813

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 11/4/02.
  2.  The allowed claim(s) is/are 41-43.
  3.  The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
  4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a)  All
    - b)  Some\*
    - c)  None
 of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
    - (a)  The translation of the foreign language provisional application has been received.
  6.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

7.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8.  CORRECTED DRAWINGS must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1)  hereto or 2)  to Paper No. \_\_\_\_\_.
  - (b)  including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

- Notice of References Cited (PTO-892)
- Notice of Draftsperson's Patent Drawing Review (PTO-948)
- Information Disclosure Statements (PTO-1449), Paper No. 11.
- Examiner's Comment Regarding Requirement for Deposit of Biological Material
- Notice of Informal Patent Application (PTO-152)
- Interview Summary (PTO-413), Paper No. \_\_\_\_\_;
- Examiner's Amendment/Comment
- Examiner's Statement of Reasons for Allowance
- Other

*Carl Whitehead*  
CARL WHITEHEAD, JR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800

## DETAILED ACTION

This office action is in response to Amendment B, dated 11/4/02, in Paper No.10.

### *Allowable Subject Matter*

Claims 41-43 are allowed.

The following is an examiner's statement of reasons for allowance:

In reference to claim 41, Hattangady et al teaches a structure comprising:

A gate oxide layer over a semiconductive substrate, the gate oxide layer comprising silicon dioxide (Col.3, lines: 20-25);

The gate oxide layer having nitrogen enriched region which is only in an upper half of the gate oxide layer (Col.2, lines: 10-25);

At least one conductive layer over the gate oxide layer (Col.3, lines: 30-35); and

Source/drain regions within the semiconductor substrate (Col.1, lines: 25-35);

The source/drain regions being gatedly connected to one another by the conductive layer (Col.1, lines: 25-35).

However, Hattangady fails to teach applicant's amended claim language wherein the gate oxide layer has a thickness of 5A.. As Applicant argued on page 3 of Paper No.10, dated 11/4/02, Hattangady teaches that the thickness of the gate oxide is 10-30 A. Applicant argues that a thickness of 5 A thickness is not anticipated nor rendered obvious by Hattangady. Indeed, Hattangady makes no mention of altering the thickness range to less than 10 A. Further, Hattangady teaches that the nitrogen enriched region would have a thickness ranging from 5 to 10 A (Col.3, lines: 28-30). In contrast, Applicant's enriched region as claimed (being ½ of the

gate oxide thickness 5A) would have a thickness of 2.5 A. Since neither thickness ranges are taught nor anticipated by Hattangady, Applicant's amended claim language is considered allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M Schillinger whose telephone number is (703) 308-6425. The examiner can normally be reached on M-T, R-F 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl W Whitehead, Jr. can be reached on (703) 308-4940. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



CARL W. WHITEHEAD, JR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800

Application/Control Number: 10/050,348

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Art Unit: 2813

LMS

January 26, 2003



Notice of References Cited	Application/Control No.	Applicant(s)/Patent Under Reexamination SANDHU ET AL.	
	Examiner Laura M Schillinger	Art Unit 2813	Page 1 of 1

#### U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6362085	03-2002	Yu et al	438/585
*	B	US-5164331	11-1992	Lin et al	437/192
*	C	US-5318924	06-1994	Lin et al	437/192
*	D	US-5449631	09-1995	Giewont et al	437/41
*	E	US-5518958	05-1996	Giewont et al	437/186
*	F	US-6201303	03-2001	Ngo et al	257/768
*	G	US-6399445	06-2002	Hattangady et al	438/261
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

#### FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

#### NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.